



**Trinity Infrastructure Committee
Thursday, December 07, 2006
7:00 P.M.**

The Infrastructure Committee held its revised scheduled meeting on Thursday, December 07, 2006, at 7:00 pm at Trinity City Hall for the purpose of discussion, review and action for items listed on their Agenda. A quorum was present.

MEMBERS PRESENT: Committee Members, Bobby Campbell, Mickey Callahan, Kelly Grooms, Tommy Johnson, and Mike Robertson.

PRESIDING CHAIR: Kelly Grooms

MEMBERS ABSENT: Lloyd Brown, Jay Morrow, and Gwyn Riddick.

COUNCIL LIAISONS PRESENT: Barry Lambeth.

OTHERS PRESENT: Mayor Fran Andrews; City Manager, Ann Bailie; City Clerk, Debbie Hinson; City Planning/Zoning and Code Enforcement Administrator, Adam Stumb, and Randy McNeill, Davis-Martin-Powell and Associates.

ITEM 1. Welcome

Presiding Chairman Grooms called the December 07, 2006 Infrastructure Committee Meeting to order at 7:04 pm and welcomed everyone in attendance.

Review and Approval of Minutes

ITEM 2 Review and Approve Minutes of November 06, 2006 Infrastructure Committee Meeting

Chairman Grooms called for any corrections, deletions, or additions to the November 06, 2006 minutes.

Hearing none, Chairman Grooms called for a motion to approve the minutes.

Committee Member Robertson made a motion to approve the November 06, 2006 minutes of the Infrastructure Committee as written, seconded by Committee Member Johnson and approved unanimously by all Committee Members present.

Unfinished Business

ITEM 3. Sewer Extension Policies/Ordinance Amendments

After Chairman Grooms opened this item, Manager Bailie advised members that the policy discussed at the October Meeting (included below) included the proposed changes discussed at that meeting. Underlined words are additions; ~~struck thru words~~ are deletions. Most of the modifications pertain to eminent domain, but I have proposed changes throughout the document in an attempt to eliminate duplications and reorganize and clarify certain provisions.

Once you are comfortable with the wording and intent of the policy, a recommendation for approval will allow me to submit it to our Attorney and Engineer for review, prior to submission to Council.

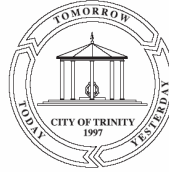
Member Grooms discussed his approval with the changes in the verbiage completed by Manager Bailie and it was both his and Member Johnson opinions that the proposed changes addressed the issues of concerns pertaining to eminent domain.

Mr. McNeill discussed the importance of the developer using the same methods as used by the City. Also discussed by members and Mr. McNeill were the benefits of the property owner and the developer working

together to resolve and settle differences without involving the City and the use of eminent domain. Members discussed conversation at the last meeting concerning the need to set a dollar amount. After discussion it was the feelings of the members that the verbiage included in this proposed document eliminated the need to set a dollar amount before exercising eminent domain.

With no other discussion, Chairman Grooms called for a motion concerning the proposed Policy.

Motion by member Callahan to approve the Sewer Extension Policy as presented with changes in the verbiage as indicated and for the City Manager to move forward with the next step, seconded by member Johnson and approved unanimously by all members present.



SEWER EXTENSION POLICY (or amendment to § 50.073 Trinity Code of Ordinances)

It is the intent and purpose of this article to provide an orderly method whereby the sewerage system of the city may be extended by individuals, corporations, subdividers and others.

Prerequisites for Permission to Extend Sewer Lines

The person desiring to extend sanitary sewer lines shall obtain approval from the City Council for the proposed project.

Submission of Plans and Specifications for Approval

The developer shall engage a registered professional engineer to prepare and submit to the City plans and specifications for the construction of sanitary sewer improvements to serve the property prior to entering into contract or commencing construction.

After approval of the plans for the extension of sewer lines by the City, permission for extension may be granted by the City Manager, provided that the developer receiving permission shall agree in writing that:

- (1) All necessary easements or rights-of-way of such widths as the City may require shall be obtained and dedicated to the City, at no cost to the City;
- (2) Some easements may be required to be recorded as dual sewer/greenway easements;(3) The expense of constructing the sewer mains and of connecting them with the sewerage system of the City shall be borne by the developer. Such mains shall be of such size as required and shall be laid in accordance with specifications approved by the City. The developer shall provide the City with lien waivers as evidence that such sewer lines are both are free and clear of any claims for labor and materials used in the construction of such lines.
- (4) Additions to the City's sewer system shall be guaranteed against defective material and workmanship for a period of twelve (12) months from the date of completion and acceptance of the project, including such incidental damages as may arise from such claims.
- (5) The City may make or authorize extensions or connections to or from any of the improvements constructed at the expense of a developer without permission of the developer.
- (6) Construction of improvements at the expense of the developer shall not relieve the developer of the obligation to pay applicable fees as required by City policies and/or ordinances.

(7) Construction of improvements at the expense of a developer does not affect the City's policy with respect to fees to be paid to the City by property owners other than the developer for connection to or extension of improvements constructed at the expense of the developer. Nor shall the developer have any right to collect fees from persons connecting onto or extending the improvements constructed.

Prerequisites for Connection

Prior to connection of sewer line extensions to the city systems, such person shall present to the city:

- (1) Recorded easements or rights-of-way for all portions of such lines that are installed on private or public property other than property or easements already belonging to the city;
- (2) Properly executed lien waivers for all labor and materials used in the construction of such line;
- (3) A properly executed and recorded deed conveying the line to the city free and clear of all encumbrances, together with a certificate of title certifying that the deed vests such title in the city;

Extensions Outside of City

- (1) The City has no responsibility to provide sewer service to property located outside the corporate limits. However, upon request, the City may allow extensions of its sewer lines to serve properties outside the City when it determines that it is in the City's best interest to do so.

Reasons for Extension Refusal

The City may refuse to extend or allow extension of service to property inside or outside the City in situations where the City determines that extension of service is unreasonable because:

- (1) The cost of service extension is excessive in terms of the number of customers to be served or because of topographical, engineering, technical, or other problems.
- (2) The provision of service will adversely affect the service to other customers or will adversely affect the City's sewage treatment capabilities.
- (3) The proposed project is not in conformance with the City's approved Land Development Plan
- (4) Other good and sufficient reasons.

Extensions Required Within Rights of Way

Sewer lines being constructed for direct service to adjoining properties shall be extended only within the rights-of-way of publicly dedicated and opened streets except where the topography makes this impractical. However, in no case will, sewer lines be extended across private property unless adequate permanent easements for such lines have been obtained.

Off-site easements acquired by the developer shall be in a form reasonably acceptable to the City and shall, in any event, be dedicated to the City. The City reserves the right to require that main sewer easements be recorded as dual sewer/greenway easements.

City Assistance in Obtaining Easements and Rights of Way

In the event the developer is unable, despite his/her best efforts to acquire necessary easements and rights-of-way, the developer may, by written notice to the City, request that the City acquire same through its exercise of eminent domain or similar proceedings. The request shall describe the easement or right-of-way needed and include copies of offers or other evidence of unsuccessful acquisition efforts.

Prior to honoring the request, the City Council must determine that the easement or right-of-way sought by the developer is needed by the City for extension of its sewer system based on the following findings of fact:

1. The proposed route is in conformance with the City's Master Plan for Sewer Service as detailed in the 1999 Sewer Feasibility Study; and
2. Reasonable and alternative routes are not available because of topographic or other features.

Findings notwithstanding, the City reserves the right to deny a request for assistance in acquiring easements and rights of way.

Should the City agree to honor the request to assist in easement or right-of-way acquisition, the City shall use the same procedures as are regularly utilized to acquire rights of way and easements for public projects.

Eminent domain shall be the acquisition method of last resort.

The developer shall reimburse the City for all easement acquisition costs including but not limited to purchase price, appraisal fees, attorneys' fees, court costs, administrative fees, etc.

Conditions to be Satisfied After Construction of Extensions Prior to Actual Use of City's System

Before the City will permit use of the sewer system to serve the property, the subdivider or developer responsible for the extension of the City's system shall:

- (1) Furnish the City two copies of the record drawings, together with:
 - (a) the contractor's affidavit that the drawings accurately represent the as-built improvements; and
 - (b) a certificate of compliance executed by the engineer of record indicating that work has been performed in substantial compliance with the approved plans and specifications.
- (2) Convey to the City and record, or cause to have recorded, in the Randolph County Registry all deeds of easement and plats showing all sewer easements required to serve the project.
- (3) Formally dedicate to the City all physical improvements constructed to serve the project that is the subject of this contract, which improvements shall become part of the City sewer system and will thereafter be owned and maintained by the City.

Inspection by City of Work Done by Others

(1) All work on the extension of sewer lines not performed by City forces (whether inside or outside the City) shall be subject to inspection by the City. If any line or facility is covered up prior to inspection, the City may require such line or facility to be uncovered or exposed for inspection at the developer's expense. If, in the judgment of the City, there is a demonstrated lack of competent supervision by a contractor, the City may:

- (a) Halt work until approved supervision is obtained and the work done in accordance with City specifications and requirements; or
- (b) Provide constant inspection by City personnel at the expense of the applicant.

(2) Inspection of a project by the City does not consist of or imply supervision. The person requesting the extension is solely responsible for ensuring that the project is completed according to City specifications and may be required to reconstruct any work to bring it into conformity with such specifications and requirements.

- (a) The applicant's engineer shall provide construction stake out and shall be responsible for insuring that the project is completed in accordance with city specifications and requirements.
- (b) The City may require any testing it deems appropriate to determine that the work complies with City standards and specifications. All such testing shall be at the applicant's expense.
- (c) All construction work shall be performed by a contractor licensed to perform this type of work in North Carolina.

Dedication of Sewer Line Extensions

(1) All sewer lines located within public rights of way or utility easements and connected with the facilities of the City pursuant to this article shall be conveyed to and become the property of the City upon completion and acceptance by the City. Connection to the system and acceptance by the City shall constitute dedication of a sewer line extension by the person responsible for the extension. However, connection to the system shall not be permitted unless and until the lines have been constructed and connected in compliance with all applicable State and City regulations and requirements.

(2) Following dedication as provided in subsection (a), the City shall have exclusive control of all such sewer lines and shall be responsible for their maintenance, repair, and operation. However, the conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of twelve (12) months from the date of completion and acceptance of the project, including such incidental damages as may arise from such claims.

New Business

ITEM 4. Amendments to Guidelines and Procedures for Street Improvements (listed below)

Chairman Grooms opened this item and turned discussion over to Manager Bailie. Manager Bailie discussed her recent findings as defined in NCGS 160A-219 that pertains to corner lot exemptions in assessing for road improvements. She advised members that the approved guidelines for the City appear to be in conflict with the state statute. I have suggested that we take out B and C and change the wording in A. I submitted these changes to our attorney for his review and he concurs.

There was brief discussion between members and Manager Bailie regarding the verbiage of an exemption of seventy-five percent (75%) of the frontage of any side, or 150 feet, whichever is greater. Manager Bailie explained to members her interpretation of this meant that whichever lot side is the longest can be exempted 75% or 150 feet whichever is greater. Members asked if the same standards applied to sewer lines as well. Manager Bailie advised members that the City does not do assessments at this time for sewer. Sewer extensions costs are currently paid by the City.

With no further discussion, Chairman Grooms called for a motion.

Motion by Committee member Robertson to accept the document as presented with changes, seconded by Committee member Campbell, and approved unanimously by all Committee members present.



PRIVATE ROADS

Guidelines and Procedures for accepting private roads into City's street system and sharing the cost of improvements

Purpose: The purpose of these guidelines and procedures is to assist the City Council in evaluating proposals to convey private roads to the City and to share the costs of improvements.

1. Owners of private roads have two options for conveying ownership of the roads to the City and for sharing the costs of improvements to those roads.

- A. Owners of an existing private road may bring the road into compliance with NC DOT standards for gravel roads and, upon approval by the City Council, convey ownership to the City. This provision is not applicable to new development whose owner(s) must comply with the City's development ordinances.
- B. Owners of private roads may petition the City to assume ownership of the roads, improve the roads and defray the cost of the improvements by assessment upon the properties abutting upon the roads.
- (1) The City of Trinity shall follow the procedures specified by Chapter 160A Article 10 of the North Carolina General Statutes for levying special assessments upon benefited properties for street improvements.
 - (2) If the basis of assessment is road frontage:
 - a. A corner lot bordered by two streets to be improved shall be allowed an exemption of seventy-five percent (75%) of the frontage of any side, or 150 feet, whichever is greater.
 - (3) Following the public hearing on the preliminary resolution, at least 66% of the affected property owners must be in implicit agreement to the terms of assessment or the City Council may not approve the project. Included in this calculation shall be the number of people who signed the petition and those who spoke at the public hearing in favor of or in opposition to the proposed project. Affected property owners who did not sign the petition and did not state a position either in writing or at the public hearing shall be counted as being in implicit agreement with the terms of assessment.
 - (4) Owners of the private road shall convey the roadway and all necessary right-of-way to the City at no charge. If a property owner refuses to grant necessary property to the City, the road may be redesigned to avoid certain properties (in which case the 66% provision applies) or the project may not be approved.
2. Approval of these guidelines does not prohibit the City from assuming ownership of private roads and paying the total cost of improvements, although such activities should only be undertaken when grant funding is available for area-specific street improvements or upon approval of the City Council to address the health, safety and welfare of City residents.
 3. These provisions shall apply to both commercial property owners and residential property owners.
 4. The City shall not be party to contractual arrangements as may be established by residents seeking to lessen assessment obligations or other financial burdens of one or more affected property owners.
 5. The City Council shall consider sewer construction schedules prior to approving street improvement projects to ensure coordination of projects.

Additional Business

ITEM 5. Business from Committee Members

There was discussion between members concerning the recommendation made by Member Callahan's suggested changes at the November Meeting regarding traffic flow on the Hopewell and Interstate 85 interchange as well as Hopewell and NC Highway 62.

Members and Manager Bailie discussed the possibility of lowering the speed limit on Hopewell Church Road to 45 mph. Manager Bailie advised members that she had previously made contact concerning this issue at the direction of Council. At that time, NCDOT advised me that some time ago this speed limit had been reduced from 55mph to 50 mph but the signs had not been changed. Since our conversation the signs have been changed and the speed limit reduced to 50 mph. However, at this time NCDOT is not willing to lower the speed limit to 45mph.

There was discussion among members concerning the possibility of the addition of flashing lights in our school districts to slow traffic speeds in the school zones. Mr. Stumb advised members that flashing lights had been installed at Trinity Elementary on Braxton Craven Road and to his knowledge this was the only flashing lights located in the school zones.

After further discussion, ***motion by Committee member Callahan for Manager Bailie to investigate the possibility of installing flashing lights in an effort to lower speed limits in the school zones, seconded by Member Robertson, and approved unanimously by all Committee members present.***

Council Liason Lambeth, Committee Members, and Mr. McNeill discussed the possibility of taking over Howard Circle since NCDOT was currently working on this street and making improvements. They also discussed possibilities and the information needed in order for the City to consider taking streets over from the State and the best time for the City to consider this option. Mr. McNeill suggested that he make a list and bring to this Committee to begin looking at for consideration. He discussed how Powell Bill funds could be used and the necessity to consider the streets that the state had recently made repairs to. After further discussion, it was the consensus of members that Mr. McNeill put together a list of streets after the holidays the Committee could use for discussion and possible consideration of future maintenance by the City

ITEM 6. Business from City Manager

Manager Bailie discussed the following items:

January Meeting Date

Manager Bailie and members discussed members desire to reschedule the January meeting date of the Committee. After discussion, ***motion by member Robertson to change the January Meeting date from Tuesday, January 02, 2007 to Tuesday, January 09, 2007, seconded by member Johnson, and approved unanimously by all members present.*** The time will remain 7:00 pm and the meeting will be held at City Hall.

Members Service

Manager Bailie thanked members for their 3 years of dedicated service to the City of Trinity and its citizens.

ITEM 7. Adjournment

With no other business to discuss, ***Committee member Robertson made a motion to adjourn the December 07, 2006 Meeting of the Trinity Infrastructure Committee at 7:50 pm, seconded by Committee member Campbell, and approved unanimously by all Committee members present.***

Member Grooms made a motion to accept the minutes as written with a spelling correction on page 7 (Committed changed to Committee), seconded by member Robertson and was approved unanimously by all Committee Members present.

**** The spelling correction has been incorporated into this document****

Chairman

Date

**City Clerk
Assistant City Clerk**

**Debbie Hinson
Diana Schreiber**